## REMARKS

By this Amendment, claims 1, 4, 12, 15, 23 and 24 have been amended, and claims 3 and 14 have been cancelled. Accordingly, claims 1, 2, 4-13 and 15-24 are pending in the present application.

Claims 1-24 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. With respect to claims 1-23, these claims have been amended so as to be directed to statutory subject matter in accordance with §101.

Applicants respectfully disagree with the rejection of claim 24 under §101. Claim 24 is directed to a radio network designing apparatus and contains limitations written in means-plus-function format. Such claiming format is specifically authorized by 35 U.S.C. §112, sixth paragraph, and thus covers the corresponding structure described in the specification for performing the recited function. Accordingly, it is respectfully submitted that claim 24 is statutory under §101 by virtue of the means-plus-function limitations.

Claims 1-10, 12-21, 23 and 24 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,748,241 to Voyer. Claims 11 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Voyer in view of U.S. Patent Publication No. 2002/0193095 to Hutcheson et al. Applicants respectfully traverse these rejections.

Among the limitations of independent claims 1, 12, 23 and 24 which are neither disclosed nor suggested in the art of record is a radio network designing apparatus, method, and computer-readable medium that sets up "an optimizing condition that at least includes an objective function that has a radio parameter of said base station as the objective function parameter and that is used for an optimization process to balance traffic loads between a plurality of cells, by using cell balance values between a target cell whose characteristic changes by modification of the parameter and multiple neighboring cells existing around the target cell," and "wherein said objective function is a representative value of the cell balance values between said target cell and said multiple neighboring cells."

Voyer is directed to a method for determining an antenna beam angle. Voyer does not disclose or suggest anything that can balance traffic loads between a plurality of cells. As such, Voyer can not anticipate or render obvious the present invention defined in independent claims 1, 12, 23 and 24.

Hutcheson et al. does not remedy the deficiencies of Voyer. Hutcheson et al. does not disclose or suggest balancing traffic loads between a plurality of cells. Therefore, even of one were to combine the teachings of Voyer and Hutcheson et al., one would not arrive at the present invention as defined in independent claims 1, 12, 23 and 24. Accordingly, it is respectfully submitted that independent claims 1, 12, 23 and 24 patentably distinguish over the art of record.

Claims 2 and 4-11 depend either directly or indirectly from independent claim 1 and include all of the limitations found therein. Claims 13 and 15-22 depend either directly or indirectly from independent claim 12 and include all of the limitations found therein. Each of these dependent claims include additional limitations which, in combination with the limitations of the claims from which they depend, are neither disclosed nor suggested in the art of record. For example, with respect to dependent claims 8, 9, 19 and 20, Voyer does not disclose any specific method for calculating a cell balance value, let alone using a traffic load ratio or a cell area ratio. Accordingly, dependent claims 2, 4-11, 13 and 15-22 are likewise patentable.

In view of the foregoing, favorable consideration of the amendments to claims 1, 4, 12, 15, 23 and 24, and allowance of the present application with claims 1, 2, 4-13 and 15-24 is respectfully and earnestly solicited.

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